

SPECIES ELECTION

If Group I claims were elected, the Examiner further required an election of species as to (1) the formulation; and (2) a protein.

1) Formulation

The Office Action required election of a single disclosed species of the formulations recited in claim 21.

Applicants hereby elect as a species the formulation "a capsule." In addition to claim 21, the claims within elected Group I that are readable on the elected species are claims 18-20, and 21-50.

2) Protein

The Office Action required election of a specifically named protein as listed in claims 26-50.

Applicants hereby elect as a protein species "antigen." The claims within elected Group I that are readable on the elected species are claims 18-33.

Comments regarding species elections

The above species elections are made with traverse.

As stated in 37 C.F.R. §1.141, more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form or otherwise include all the limitations of the generic claim.

Applicants submit that the claims are directed to a reasonable number of species. Accordingly, Applicants submit that the species election requirement is not proper.

Applicants expressly reserve the right under 35 USC §121 to file one or more divisional applications directed to the non-elected species during the pendency of this application.

With respect to election of species, Applicants respectfully request rejoinder of withdrawn species claims upon allowance of a claim that encompasses the currently withdrawn species.

II. CONCLUSION

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number UCSF048CON.

Respectfully submitted,
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Date: June 13, 2002

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